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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/049,182	06/19/2002	William A. Banks	01017/36667	01017/36667 7965	
4743 75	11/01/2005	EXAMINER			
	GERSTEIN & BORU	KOLKER, DANIEL E			
233 S. WACKER DRIVE, SUITE 6300 SEARS TOWER			ART UNIT	PAPER NUMBER	
CHICAGO, IL	60606		1649		

DATE MAILED: 11/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/049,182	BANKS, WILLIAM A.	
Examiner	Art Unit	
Daniel Kolker	1649	

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	Daniel Kolker	1649			
The MAILING DATE of this communication appe	ars on the cover sheet with the c	correspondence add	ress		
THE REPLY FILED <u>20 October 2005</u> FAILS TO PLACE THIS A	APPLICATION IN CONDITION FOR	R ALLOWANCE.			
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliant time periods:	wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in (idavit, or other evider compliance with 37 C	nce, which FR 41.31; or (3)		
a) The period for reply expires 6 months from the mailing date	of the final rejection.				
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire Examiner Note: If box 1 is checked, check either box (a) or	ater than SIX MONTHS from the mailin (b). ONLY CHECK BOX (b) WHEN THI	g date of the final reject	ion.		
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7		100(-) 145			
Extensions of time may be obtained under 37 CFR 1.136(a). The date nave been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	tension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The approprinally set in the final Offi	iate extension fee ce action: or (2) as		
	oliones with 27 CED 44 27 must be	Elad			
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any exte a Notice of Appeal has been filed, any reply must be filed AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	ns of the date of the appeal. Since		
3. X The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	will not be entered b	ecause		
(a) They raise new issues that would require further co			Coddoc		
(b) They raise the issue of new matter (see NOTE below		, ,			
(c) They are not deemed to place the application in be appeal; and/or		ducing or simplifying	the issues for		
(d) They present additional claims without canceling a NOTE: See Continuation Sheet. (See 37 CFR 1.1		ected claims.			
1. The amendments are not in compliance with 37 CFR 1.1		mpliant Amendment	(PTOL-324).		
5. Applicant's reply has overcome the following rejection(s)		,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	(, , , , , , , , , , , , , , , , , , ,		
Newly proposed or amended claim(s) would be a non-allowable claim(s).		timely filed amendme	ent canceling the		
For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows:		ll be entered and an e	explanation of		
Claim(s) allowed:		•			
Claim(s) objected to:					
Claim(s) rejected: 1-5.					
Claim(s) withdrawn from consideration: 6-76.					
AFFIDAVIT OR OTHER EVIDENCE					
 The affidavit or other evidence filed after a final action, bu because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 	nt before or on the date of filing a North d sufficient reasons why the affidat	otice of Appeal will <u>no</u> vit or other evidence i	ot be entered s necessary and		
O. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome <u>all</u> rejections under apper y and was not earlier presented. S	al and/or appellant fa see 37 CFR 41.33(d)(ils to provide a 1).		
10. The affidavit or other evidence is entered. An explanation of the control	n of the status of the claims after e	ntry is below or attacl	ned.		
11. The request for reconsideration has been considered bu	t does NOT place the application in	n condition for allowa	nce because:		
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s)					
13. Other:)			
	SHARON TURNER, PH.D. PRIMARY EXAMINER	_			
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10-27-05

Continuation of 3. NOTE: Applicant argues that the rejections under 103 are improper, as epinephrine modulates blood-brain barrier permeability in a non-specific manner. The specificity is not required in the claims; applicant is arguing a limitation which is not part of the claimed invention. Furthermore the amendment to claim 1 broadens the scope of the claim.